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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,091	04/19/2004	Paul E. Weiss	3083P2768	1870

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EXAMINER

ALIE, GHASSEM

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/827,091	Applicant(s) WEISS, PAUL E.	
	Examiner Ghassem Alie	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8, and 14-17 is/are rejected.
- 7) ☒ Claim(s) 6 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election of Group I (claims 1-9) on 01/24/05 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 10-13 that were directed to the non-elected invention have been cancelled.

New claims 14-17 have been presented that will be examined with claims 1-9.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "16" on page 6, line 14.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 14, and 15 rejected under 35 U.S.C. 102(b) as being anticipated by Shuman (3,636,408). Regarding claims 1 and 14, Shuman teaches a tape dispensing device 10 including a body member 13-15 which houses a roll of tape 12. The body is defined by L-shaped housing that houses roll of tape 12. Shuman also teaches a cutting device 22 coupled to one end of body member 13-15 for cutting a piece of tape 12a from the roll of tape. Shuman also teaches a neutralizing device 26 coupled to body member 13-15 and next to cutting device 22 for neutralizing a static charge from piece of tape 12a. See Figs. 1-8 and col. 4, lines 9-75 and col. 5, lines 1-63 in Shuman.

Regarding claims 2 and 15, Shuman teaches everything noted above including that body member 13-15 includes an L-shaped base, a cavity formed in an interior section of the L-shaped base, and a holding mechanism 20 for holding roll of tape 12 in the cavity while allowing roll of tape 12 to rotate when tape is being dispensed. See Fig. 1 in Shuman.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 3, 4, 7, 8, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shuman in view of Alexanber (2,151,064). Regarding claims 3, 4, 7, 16, and 17, Shuman teaches everything noted above including except that the cutting device is a dual direction cutting device including a channeling having an opening which allows the tape to pass through, a first cutting surface located on a bottom edge of the channeling, and a second cutting surface located on a top edge of the channeling. However, the use of a dual direction cutting device in dispensers are well known in the art such as taught by Alexander.

Alexander teaches a dispenser 1 capable of dispensing tape having a dual direction cutting device 12. Alexander also teaches that dual direction cutting device 12 includes a channeling having an opening which allows the tape to pass through, a first cutting surface 13 located on a bottom edge of the channeling, and a second cutting surface 13 located on a top edge of the channeling. See Figs. 1-3 and col. 1, lines 1-55 and col. 2, lines 1-30 in Alexander. It would have been obvious to a person of ordinary skill in the art to replace the cutting mechanism of Shuman's tape dispenser with the dual direction cutting mechanism as taught by Alexander in order to facilitate the cutting operations of the tape by enabling the user to cut a desired quantity of tape either by downward movement of the tape against the bottom cutting edge of the cutting device or by upward movement of the tape against the top cutting edge of the cutting device.

Regarding claim 8, Shuman teaches everything noted above including that body member 13-15 includes an L-shaped base, a cavity formed in an interior section of the L-shaped base, and a holding mechanism 20 for holding roll of tape 12 in the cavity while allowing roll of tape 12 to rotate when tape is being dispensed. See Fig. 1 in Shuman.

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7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shuman in view of McGarry et al. (Re. 35,214). Regarding claim 5, Shuman teaches everything noted above except that the neutralizing device is a magnet. However, the use of magnet as a neutralizing device is web dispensers or the like is well known in the art such as taught by McGarry. McGarry teaches a web dispenser including a neutralizing mechanism 10 that includes magnet 16. See Figs. 1-4 and col. 1, lines 15-33 and col. 2, lines 9-67 and col. 3, lines 1-55 in McGarry. It would have been obvious to a person of ordinary skill in the art to replace the neutralizing mechanism of Shuman's tape dispenser with the neutralizing mechanism having a magnet as taught by McGarry in order to remove alternatively the static charged build-up on the tape by a magnetic field.

Allowable Subject Matter

8. Claims 6 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach that the neutralizing device includes a first magnet coupled to the body member and next to the first cutting surface and a second magnet coupled to the body member and next to the second cutting surface as set forth in claims 6 and 9.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Graham (2,695,208), Hu (4,844,368), Huang (6,672,532), Chandaria et al. (2004/0060956),

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Domeny (3,470,781), Hanlon (2,889,975), Freedman (3,480,190) teach a dual cutting device.

Rodrigo (4,860,159) and Huang (6,641,081), teaches a neutralizing device.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501.

The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).



Allan N. Shoap
Supervisory Patent Examiner
Group 3700

GA/ga

March 25, 2005